

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
TRENTON DIVISION**

)	Docket No. 3:16-md-02738-FLW-LHG
)	
IN RE:)	
)	Clarkson S. Fisher Building
JOHNSON & JOHNSON TALCUM)	& U.S. Courthouse
POWDER PRODUCTS MARKETING,)	402 East State Street
SALES PRACTICES, AND PRODUCTS)	Trenton, New Jersey 08608
LIABILITY LITIGATION.)	
)	May 6, 2020
)	11:00 a.m.

TRANSCRIPT OF STATUS CONFERENCE HELD VIA ZOOM
HONORABLE FRED A. WOLFSON
UNITED STATES CHIEF DISTRICT COURT JUDGE

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1 (IN INSTANCES WHERE VOICES ARE FADING IN AND OUT DUE TO
2 TECHNICAL INTERRUPTION, AN INDISCERNIBLE RESULTED)

3 TRENTON, NEW JERSEY MAY 6, 2020 11:00 A.M.

4 (Call to order of the Court)

5 THE COURT: Okay, well, this should do it, please.
6 I'm going to go through from who I see on the screen, and you
7 can just say hello, and go back and mute again when we're done.
8 If you're not talking, be on mute throughout. As soon as
9 somebody wants to talk, you can.

10 (The Court engaged in off-the-record colloquy with Mr. Fang)

11 THE COURT: Let me see whose name's coming up right
12 now on my screen. I have John Beisner, right?

13 MR. BEISNER: Yes, Your Honor. Yes, I am here.

14 THE COURT: Okay. Brown, right?

15 MS. BROWN: Good morning, Judge.

16 THE COURT: I have one for Locke, but no picture, are
17 you there?

18 MR. LOCKE: Your Honor, I'm not sure why I don't have
19 a picture.

20 THE COURT: You have to go to the side of your
21 screen, and I think and do gallery view so everything comes in,
22 and join it. I don't know, I'm not good at this too, but okay.
23 Well, find your way in, Mr. Locke, okay?

24 I have Warren Burns.

25 MR. BURNS: Good morning, Your Honor.

1 THE COURT: Chris Tisi; I have Michael Weinkowitz;
2 Sindhu Daniel, who do you represent?

3 MS. DANIEL: Here; the plaintiffs, Your Honor.

4 THE COURT: Okay. Most of these people are
5 plaintiffs' people; okay, hold on.

6 All right, let me go to my next screen. I have
7 Laurence Berman, Hunter Shkolnik --

8 MR. SHKOLNIK: Good morning.

9 THE COURT: -- (indiscernible) Alastair Findeis --
10 I'm not getting these right. I have a Leigh O'Dell; Jessica
11 Brennan --

12 MS. SHARKO: Judge, it's --

13 THE COURT: I have --

14 MS. SHARKO: Judge, actually it's Susan Sharko
15 logging in as Jessica Brennan because I couldn't make my
16 password work.

17 (Laughter)

18 THE COURT: Okay. So she's in a different place, can
19 she -- she can't --

20 MS. SHARKO: So she dialed in by phone and let me be
21 on the video.

22 THE COURT: Okay, fair enough. Okay, and then Ms.
23 Estrella, I think you're on for Judge Pisano from his office,
24 right?

25 MS. ESTRELLA-CHAMBERS: Yes, good morning, Your

1 Honor; I'm on for Judge Pisano.

2 THE COURT: Okay.

3 MS. ESTRELLA-CHAMBERS: Good morning, everyone.

4 THE COURT: Good morning. Michelle Parfitt, you
5 don't want to be seen?

6 MS. PARFITT: Your Honor, I would not mind being
7 seen. The problem is I logged in without it. If I can log
8 back out, and come back in, I can get the video up. I just
9 didn't want to be late.

10 THE COURT: Okay, that's fine. And let's see who
11 else we have here.

12 MS. PARFITT: Thank you; good morning.

13 THE COURT: And I have Caroline Tinsley. And then I
14 have a lot of phone numbers, I don't know who you are. Or do I
15 have anyone else who I haven't mentioned?

16 MR. PLACITELLA: Your Honor, Chris Placitella; I like
17 your background.

18 THE COURT: Yeah, I already mentioned you, though.
19 You were on first --

20 MR. PLACITELLA: Oh, I didn't hear that.

21 THE COURT: Okay.

22 MR. GOLOMB: Good morning, Your Honor. Richard
23 Golomb here.

24 THE COURT: I already mentioned you, too.

25 MR. GOLOMB: Okay.

1 MS. POLETTTO: Good morning, Your Honor. Janet
2 Poletto for the PTI defendants.

3 THE COURT: Okay.

4 MR. LAPINSKI: Your Honor, good morning. This is Dan
5 Lapinski, I'm on via telephone.

6 THE COURT: Okay, all right. For the moment, let me
7 just tell you where we are. I've had some Zooms, but this is
8 Vinnie's first zoom, and so (indiscernible) walked in. What we
9 did is we set the recording up for now on the Zoom, so that you
10 can still have a transcript, and Vinnie's trying to figure how
11 to get in, and he may get in with us at some point.

12 But so we are still going to go formally as we
13 normally do to try and have a transcript of this, and hopefully
14 this recording will work; I haven't done that part of it yet.

15 Okay. Well, welcome, everyone. And I hope because
16 you're all on the line, that everyone is doing well, and safe,
17 yes?

18 UNIDENTIFIED ATTORNEY: Yes.

19 UNIDENTIFIED ATTORNEY: We are.

20 UNIDENTIFIED ATTORNEY: Yes, thank you.

21 THE COURT: Your families are --

22 UNIDENTIFIED ATTORNEY: Your Honor --

23 THE COURT: Families are good, everybody's doing
24 okay, all right.

25 So here we are trying to move ahead. I got the

1 status letter that was sent out yesterday; I had an opportunity
2 to review it. And let's talk about where we're going now, and
3 what my view on this is.

4 The way I see us going about this is with regard to
5 plaintiff discovery is that I want to get to the point of
6 selecting a small group of cases. That could be plaintiffs'
7 picking, what they think are their best, defendant picking out
8 who they think are their best, and get what I would consider a
9 bellwether group together, and take the discovery on those.
10 Not on 16,000 individuals at the moment.

11 MS. O'DELL: Your Honor, can I -- can I comment?

12 THE COURT: Who's that speaking?

13 MS. O'DELL: This is Leigh O'Dell.

14 THE COURT: Gotcha.

15 MS. O'DELL: Good morning, Your Honor. Would you
16 rather us comment now or wait? And I'm sorry if I interrupted
17 the Court.

18 THE COURT: No, you can comment now because I'm
19 telling you where my mind is on this, on plaintiff discovery so
20 you can weigh in. Go ahead.

21 MS. O'DELL: Okay. I apologize for -- I mean we
22 agree that we want to proceed expeditiously. And what we tried
23 to outline in the status report, though, it was general,
24 because we wanted to hear Your Honor's views, is that there be
25 a small percentage of cases from which we get key

1 characteristics in order to be able to select a subset of cases
2 for bellwether consideration --

3 THE COURT: I'm sorry, give me one second.

4 (The Court addressing unrelated matter off-the-record)

5 THE COURT: Okay, go ahead.

6 MS. O'DELL: So a small number of cases that -- or a
7 small percentage of cases from which we get key characteristics
8 so that we would be able to have a rational basis for putting
9 forward cases for a discovery pool, a small discovery pool that
10 ultimately bellwether trials would be selected from there. And
11 so we were thinking of a very abbreviated five to six-page --

12 THE COURT: One second.

13 (The Court addressing unrelated matter off-the-record)

14 THE COURT: Okay, go ahead. I'm sorry. Go ahead,
15 Ms. Parfitt -- Ms. O'Dell. Hello?

16 MS. O'DELL: Thank you. Yes, thank you.

17 THE COURT: Hello?

18 MS. O'DELL: You cut out for a minute there, Your
19 Honor, but you're back.

20 So ten to 15 percent of the cases, if we could have a
21 very small profile form that's four to five pages would be
22 easily accomplished by the firm so we could capture key
23 characteristics such as type of cancer, usage, some limited
24 medical history that would give us a rational basis to select a
25 group of cases that we think would provide information for the

1 Court and for the parties as they begin to select cases for
2 discovery, and then cases ultimately for bellwether selection.

3 And so we think that could be done in 90 days from
4 the date of the order, and that would get the process started
5 in a very robust way, but would provide the necessary
6 information that we need.

7 MS. SHARKO: So speaking for --

8 THE COURT: Ms. Sharko?

9 MS. SHARKO: I'm sorry.

10 THE COURT: Go ahead, Ms. Sharko.

11 MS. SHARKO: Thank you.

12 So speaking for the defendants, we're very concerned
13 that what Ms. O'Dell just outlined sends us down a long slow
14 march through lots of case-specific discovery that we really
15 don't need at this time.

16 Our suggestion is that Your Honor pick a small number
17 of cases randomly, and the parties can then quickly do a new
18 fact sheet and medical records, and trial cases could be picked
19 from that pool.

20 I would also remind the Court that we do have a case
21 from the District of New Jersey that was worked up almost to
22 the point of being trial ready with Judge Goodman before the
23 MDL was created, and that's the Chakalos case. But to us, the
24 most important thing is a small pool and random selection by
25 the Court.

1 We, the defendants, have no information about cases
2 other than Chakalos because we did no case-specific discovery.
3 So we are -- there is a great imbalance there between our
4 knowledge and the plaintiffs' knowledge in terms of picking
5 cases.

6 THE COURT: Okay.

7 MS. PARFITT: Your Honor, this is Michelle Parfitt,
8 if I may? And, again, I apologize for the absence of video,
9 but perhaps of all, I've spared you.

10 If I could just comment, as well. What Ms. O'Dell
11 has outlined provides the defendants what they say they don't
12 have. Doing ten to 15 percent of these very short truncated
13 profile forms gives the Court -- and I think the Court would
14 have a very good sense of what is representative of the cases
15 that are before her.

16 It won't take very long to get that done, it's basic
17 information. But I think, you know, relevant information to
18 the Court, and the Court's sense of what is it that's been
19 filed in my courthouse short of, you know, what the complaints
20 say, which are more general.

21 So I think if we can accomplish that in a very
22 efficient manner, and that's what we have done. We've worked
23 hard to create a form, it's done, it's ready to be circulated
24 to the parties. And if we could get approval of that, get it
25 out to our 10, 15 percent representative --

1 THE COURT: I'm not sure how you're picking out your
2 representatives, when you say your ten to --

3 (Cellular phone ringing)

4 THE COURT: Vinnie calling. Hold on.

5 (The Court addressing unrelated matter off the record)

6 THE COURT: I don't know where you're coming up with
7 your ten to 15 percent, and how you're going to do that.

8 MS. PARFITT: It can be random, as well.

9 MS. O'DELL: Your Honor, can I comment -- can I
10 comment on that? And -- I'm sorry, Michelle, I didn't mean
11 to --

12 MS. PARFITT: That's all right, Leigh; go ahead.

13 MS. O'DELL: But there -- you know, there is a --
14 defendants certainly have a list of cases that have been filed,
15 that's something that the plaintiffs' steering committee does
16 not have. So we don't know -- we know general numbers from the
17 status report, but we don't know the individual cases. But you
18 can take that list of cases and randomly select ten to 15
19 percent of those for purposes of these, you know, very limited
20 profile forms.

21 THE COURT: But, by the way, ten to 15 percent of
22 16,000 plaintiffs, we're talking over 16 hundred people, that's
23 too big.

24 MS. O'DELL: Well, but, Your Honor --

25 MS. PARFITT: Well, Your Honor, we wouldn't work up

1 the 16 hundred. What we were suggesting is that we do these
2 short profile forms on the 16 hundred, and then take a very
3 small subset of that to actually then provide the Court with a
4 much more fulsome type of fact sheet. So the Court would have
5 additional information -- (indiscernible - background noise) 40
6 of those, but at least we had randomly looked at what is before
7 the Court, maybe 16 hundred, whatever that percentage would be.
8 And then out of that, when we have that information, a very
9 short period of time, we could also do a choice -- the
10 plaintiffs could select, the defendants could select, the Court
11 could select out of that number maybe a total of 40, 30,
12 whatever the Court felt, and then the more fulsome work-up
13 could be done. Again, all very efficiently and all very, I
14 think, valuable information for the Court. And so we wouldn't
15 be working up 16 hundred, not at all. It would be whatever
16 Your Honor feels is perhaps a more manageable number, what's
17 been done in other situations, in other MDLs. (Indiscernible -
18 background noise) do 40. Again, whatever Your Honor would
19 believe would be most reasonable.

20 And so to --

21 THE COURT: By the way, if anyone's not talking,
22 would you please mute? Because I'm getting too much background
23 noise. Okay.

24 MS. SHARKO: So in the Benicar MDL we had with Judge
25 Kugler, he did random selection of small pool, I want to say it

1 was 20. People had a short time to decide if they wanted to
2 pursue their case or take it --

3 THE COURT: One second, Ms. Sharko.

4 Whoever it is, I've got lots of people who are not
5 muted. Too much rustling of paper and background noise makes
6 it difficult to hear. Please mute if you're not talking. Do
7 you know how to do it?

8 Mr. Golomb, I can see you're not muted. Mr. Berman,
9 you're not muted. There's so many that are not muted. So
10 please do it.

11 Okay, the rest -- it looks like everybody else is
12 cooperating.

13 Okay. Go ahead.

14 MR. BERMAN: Your Honor, this is --

15 THE COURT: Mr. Berman --

16 MR. BERMAN: -- Mr. Berman. I am on my telephone.
17 I've muted my phone, I am not using my computer, so that's why
18 it doesn't show up as mute on your screen. But I am muted.

19 THE COURT: Okay, go ahead. Go ahead. Continue Ms.
20 Sharko.

21 MS. SHARKO: So in the Benicar MDL with Judge Kugler,
22 he did random selection, it was very efficient. We had a pool
23 of, I want to say maybe 20; I can go back and check that. And
24 I think it's important to give the plaintiffs, once selected, a
25 week or two to decide if they want to go forward with their

1 case or take a dismissal so we don't work-up cases and then
2 have them be dismissed. And then we work-up that small pool of
3 ten or 15, or maybe even 20. That can be done pretty
4 efficiently.

5 If we're going to go beyond that -- and 16 hundred
6 cases is mind-boggling, that will take a year.

7 MS. O'DELL: Your Honor, just to be clear, because I
8 think Ms. Sharko may have a misconception. We're not talking
9 about full discovery on 16 hundred cases. We're talking about
10 a 90-day period where we get information regarding the types of
11 cancer individual cases involve.

12 We have no information right now. The short form
13 complaint does not provide the type of cancer, that's
14 critically important. Is it epithelial ovarian cancer or
15 another type of genital cancer?

16 And so for the process to be efficient for the Court,
17 you could select randomly 50 cases, and if it doesn't have --
18 the -- the case does not involve the type of cancer that the
19 Court has ruled the science is reliable and experts have opined
20 on, then it's not a rational process.

21 So what we've suggested is 90-day period to get
22 information on a small percentage, ten percent is
23 representative. We can be assured that we know what the
24 overall group of cases look like, we get that information in 90
25 days.

1 From there, we put forward cases that would be that
2 very small number that go through full case work-up.

3 And then from there, the Court and the parties can
4 select the bellwethers. We think that's very efficient. It
5 will not delay the onset of a trial --

6 THE COURT: How do you decide which ones you want to
7 do a full case work-up on?

8 MS. O'DELL: I think at that point, once we have
9 information, we can look at those 16 hundred and say -- and we
10 expect the Court will have an idea of what type case you want
11 to try, but we'll know what those cases involve. And then we
12 can make a selection based on the key characteristics of that
13 case. Is it the right cancer? What's the medical background
14 of the particular plaintiff? What's their level of usage? Is
15 it one day or 50 years once a day? Those are really important
16 to make sure that the process is meaningful to the Court and
17 meaningful to the parties going forward, and so that's why
18 we've proposed this -- you know, this sort of protocol.

19 MS. SHARKO: But that should come after random
20 selection because right now, the defendants anyway, have no
21 basis for picking the ten cases, or the 20 cases, or God
22 forbid, the 16 hundred cases that will start to be discovered.

23 MS. O'DELL: This would be a rational basis for both
24 parties to select cases that would be meaningful for their own
25 purposes. And 90 days would certainly not slow down the

1 process of setting the case for trial, particularly in the
2 light of sort of the delays associated with COVID-19. We can
3 do this during this period, get this done, ensure that the
4 cases that are worked up, whether they be, you know, 25, 35, or
5 50, that those are good cases and they're going to provide the
6 Court with the information it needs.

7 THE COURT: What do you mean --

8 MS. PARFITT: If I can add --

9 THE COURT: What do you mean "good cases"?

10 MS. PARFITT: Your Honor? Am I off mute?

11 THE COURT: Who's that? I'm sorry.

12 MS. PARFITT: This is Michelle, yes, Your Honor.

13 I was going to say with regard to "good," we don't
14 mean good favorable; we mean representative.

15 We understand that what the Court wants before her is
16 a case that is representative of what the disease is and what
17 the case is about, and that's why we're proposing what we are.

18 We absolutely believe we can get this done
19 efficiently, or we wouldn't represent to the Court that we
20 could.

21 Ms. Sharko continues to say 16 hundred cases would be
22 worked up. Sixteen hundred cases will not be worked up. If
23 Your Honor --

24 THE COURT: Okay, let me ask a question. How are you
25 even going to go about your 16 hundred? Are you saying that's

1 a random, taking ten percent?

2 MS. PARFITT: Correct.

3 MS. O'DELL: Yes, Your Honor. And that can be done
4 in a variety of ways that's very fair, and we can assure that
5 it's random. And it would be -- it can be done through MDL
6 Centrality, which is sort of the online platform that we had
7 proposed early on in the case for use with, you know, plaintiff
8 fact sheet information. The same platform can be used to
9 generate a random selection of cases.

10 THE COURT: Okay.

11 MS. SHARKO: I think Judge Kugler did random
12 selection just with the Clerk's Office, and his law clerk.

13 THE COURT: Yeah, I mean I'm -- you know, look, I'm
14 not going to weigh in right now on what "random" means. Let's
15 just talk about the process for a moment and the cases.

16 Also, by the way, Benicar only had about 2,000 cases
17 in it. It was a much different MDL than I have, so I don't
18 want to use that as my template and saying that that's the way
19 I'm going to go about this.

20 But look, I don't have a problem with having some
21 percentage; I'm not convinced it has to be 16 hundred. I don't
22 know why it can't be several hundred that are a random
23 selection, and then we pick a smaller number from that, I'm
24 okay with that idea.

25 MS. O'DELL: Your Honor, if we -- you know, if -- you

1 know, 16 hundred, maybe that feels too many. But in light of
2 the fact that, you know, the cases would be spread across
3 multiple firms, if we did a thousand, it would make no
4 difference in terms of the timing. We would just have more
5 information to be informed.

6 And once, you know, 90 days from the order is
7 entered, we get that information, that would allow us -- if
8 that's a thousand cases, that's a robust number that both
9 parties could be informed about the particular characteristics
10 of the case.

11 MS. PARFITT: And, frankly, Your Honor, if I might
12 add, that within that 90-day period of time, we'll have what we
13 have. I think we're prepared to represent to the Court that
14 whatever information we're able to collect within that period
15 of time will be the information that we will use going forward.
16 And I think it will be, indeed, helpful to the Court to have
17 the best picture available to her so that you -- you know, we
18 have a good understanding of what this case is really about.
19 Not good because it's positive for the plaintiff, not good
20 because it's more positive for the defendant, just an informed
21 choice of cases before the Court.

22 THE COURT: Well, I'm still trying to figure out the
23 second step. Assume it's a thousand cases, assume it's 500
24 cases, whatever it is, what's next after the 90 days?

25 MS. PARFITT: Right. There would be a period of time

1 where each parties -- each one of the parties -- if you say
2 you're selecting 500, you ultimately ended up with 500 or a
3 thousand, there would be period of time everyone would have the
4 opportunity to review those characteristics of those cases, and
5 then make a proposal. In some cases, it's been X number of
6 cases are selected by the plaintiff, X number of cases are
7 selected by the defendant. There have been MDLs where X number
8 of cases were selected by the Court for work-up so that you can
9 begin to narrow the population of cases that are actually
10 receiving full work-up and discovery.

11 And then the next phase would be what kind of case-
12 specific discovery would be appropriate. Oftentimes, I know,
13 in other MDLs the courts -- and I'm sure the Court is aware of,
14 the court has said I'm going to limit it to X number of
15 depositions, or perhaps not.

16 So there's different phases, but we get to that
17 number after Your Honor decides ultimately I want to look at a
18 total of 40 cases, let's do a full work-up on maybe 40 of a
19 thousand, 600, 500.

20 Then we do a select -- we work them up, that smaller
21 number. Again, randomly selected from a larger number of a
22 thousand or 16 hundred. And then from that, there can be a
23 selection process by each one of the parties, including the
24 Court, should you desire.

25 THE COURT: But what you just said is a little -- Ms.

1 Parfitt, I heard two different things.

2 MS. PARFITT: All right.

3 THE COURT: What I heard you say is that after the --
4 whatever number it is, a thousand, 500, that you'll all go
5 through them, and you'll pick a smaller subset to look at. Now
6 I heard you say it will be randomly decided which --

7 MS. PARFITT: I meant to say random, Your Honor, and
8 I correct myself. I meant it would all be random.

9 The initial selection from the thousand, 500,
10 whatever it would be, would be a random selection of say 40.
11 And then from that -- or whatever number Your Honor chooses,
12 the parties would then have the ability to say we request these
13 five; defendants say we request these five; the Court may say
14 I'd like to propose these five for a more fulsome work-up.

15 THE COURT: But what --

16 MS. PARFITT: There's many ways you could do it.

17 THE COURT: But my problem with what you just said is
18 then I don't understand why we need the two-step test. If the
19 thousand are randomly selected --

20 MS. PARFITT: Correct.

21 THE COURT: -- and then from that, 50 are randomly
22 selected, everything's been randomized, and nothing has been
23 looked at.

24 MS. O'DELL: Your Honor, if I could maybe --

25 MS. PARFITT: Well, no, no, no, no. I think I -- I

1 may have misspoke. What would happen is out of that thousand,
2 16 hundred, 500 cases, we would have these short profile forms
3 prepared on that group, these very short pieces of information,
4 if you want to -- if I may say.

5 The data that Ms. O'Dell described: What kind of
6 cancer they have; how often have they used the product; have
7 they used this product. We would then distill from that 16
8 hundred cases that information and then decide upon maybe 40,
9 whatever the Court decides, which would then have a more
10 fulsome work-up where depositions would be taken. More -- if
11 medical records were missing, we would get those medical
12 records.

13 THE COURT: How do you decide which 40 is my question
14 to you?

15 MS. O'DELL: Ms. -- Ms. -- Your Honor, may I
16 interject here? I think that 40, whether it's 40 or 50 --

17 MS. PARFITT: 50.

18 MS. O'DELL: In many cases, it's been 50. That would
19 be something that we would propose the parties nominate a
20 certain number of cases, and maybe a certain number of cases
21 the Court decides to pick randomly. (Indiscernible - multiple
22 speakers).

23 THE COURT: Okay. And so that what you're saying is
24 that next step is not random.

25 MS. O'DELL: Correct.

1 THE COURT: That's what I was getting by the language
2 being used. It's not, it's being selected by each of you
3 probably picking out what you like on each side.

4 MS. O'DELL: Or, Your Honor, we -- certainly we have
5 our different views of the case. But also, we can take your
6 input about the type of case you like to try, and I'm sure the
7 parties can come together and be reasonable in their
8 selections.

9 For example, we have different -- we have women who
10 are in extremis situations that we need to give consideration
11 because, you know, they may not have their day in court if
12 there's further delay. We have different stages of ovarian
13 cancer that we might -- that the Court might want more
14 information on.

15 So I think that the parties can meet and confer on a
16 group of cases to propose. And maybe it ends up plaintiffs
17 propose a certain number, and defense proposes a certain
18 number, and the Court proposes a certain number.

19 But that group -- but that larger group would be for
20 the purpose of learning what is representative and instructive
21 in the overall group of cases.

22 THE COURT: Okay. Ms. Sharko, anything you'd like to
23 say?

24 MS. SHARKO: Yes, I want to make sure I understand
25 the proposal. So the Court would randomly pick a number of

1 cases, it sounds like the bidding is somewhere between 20 and
2 16 hundred. Those people would fill out --

3 MS. O'DELL: Un-un't, no.

4 MS. SHARKO: Just let me finish, please.

5 MS. O'DELL: I'm sorry, Susan.

6 MS. SHARKO: Those -- that pool of people would fill
7 out this abbreviated fact sheet and produce the key medical
8 records, and then from -- and there would be no discovery of
9 the defendants, the burden is on the plaintiffs to do medical
10 records and the basic facts.

11 And then from that pool, that random pool, whether
12 it's 20 to 500, or a thousand, or whatever, there would be some
13 method agreed upon to select a smaller number of cases that
14 would undergo the traditional work-up with depositions and the
15 like.

16 And then from that smaller pool, trial cases would be
17 selected.

18 MS. O'DELL: Your Honor, could I just address one
19 aspect, and maybe a couple, but I know the Court knows our
20 position on this on the plaintiffs' side.

21 But on the defense side, there is information we need
22 on the cases regarding defendants' interaction with the
23 plaintiffs' treating physicians. If a particular GYN
24 oncologist is a speaker or a consultant for Johnson & Johnson,
25 then that's information that we need to know during the

1 discovery process for these cases so we'll be able to be
2 informed about that as we make --

3 THE COURT: No, but we haven't -- she hasn't gotten
4 to the discovery phase. She's talking about the first -- well,
5 we talked about what all three are, and we haven't talked about
6 what discovery will look like once -- additional discovery as
7 Ms. Sharko referred to it. What she has just -- the first
8 phase, when we're selecting whatever number it will be, and
9 I'll talk about that in a moment, you know, 500, a thousand,
10 she's saying that's all on the plaintiffs' side because you're
11 providing these fact sheets. It's after that that then we go
12 to the next stage. That's accurate?

13 MS. PARFITT: Your Honor, if I may? This is
14 Michelle, if I could just offer on that point?

15 THE COURT: Yes.

16 MS. PARFITT: What Ms. O'Dell was referencing is
17 sometimes referred to as a defendant's fact sheet. It's very
18 similar to the profile form that we're talking about, again, a
19 very limited document, perhaps just a handful of questions that
20 make an inquiry concerning whether or not the doctor, the
21 treating doctor, in fact, was an individual who was a speaker
22 for the company or a consultant. Also sometimes asks the
23 communication between the treating doctor and J&J. It's a very
24 limited inquiry that is usually exchanged at the same time.
25 When we provide -- when we're asked to complete a profile sheet

1 for our clients, we also provide --

2 (Cellular phone ringing)

3 THE COURT: I'm sorry, judges are really --

4 (Laughter)

5 MS. PARFITT: Not a problem.

6 THE COURT: Too many things going on in our court,
7 what can I tell you?

8 MS. PARFITT: I can certainly appreciate that.

9 THE COURT: Okay, go ahead.

10 MS. PARFITT: So if I may, it would be a
11 contemporaneous, for the most part, exchange where we would
12 have the profile form that would be agreed upon by the parties,
13 and then this very short, again, defendants' fact sheet that
14 just makes an inquiry that also provides us information about
15 the communication, relationship, association between relevant
16 parties to a case. For instance, a treating doctor, and
17 whether or not they worked for J&J at some point in time;
18 whether or not there were advertisements sent to local
19 pharmacies where the individual had actually obtained their
20 baby powder.

21 But it's important -- it's an important inquiry,
22 again, very limited, but it is exchanged at the same time.
23 It's not discovery, as Your Honor -- and that is phase we're
24 going to talk about in a short while, hopefully after we decide
25 this process. But it is something that's generally done

1 contemporaneous with the exchange of the profile form. We have
2 to answer the plaintiffs' profile form; J&J would then respond
3 to a few questions that are asked of them specific to a client,
4 and they provide us that information.

5 So I just wanted to make that distinction because I
6 know we are going to talk about the discovery ahead of us, but
7 this is a distinct type of information that we would want to
8 get a little bit earlier on in the process. While we're
9 gathering information about our client, J&J would be gathering
10 a little bit of information about the relationship between the
11 treater, and perhaps their company.

12 MS. SHARKO: So that makes a big difference, Judge.

13 First of all, we strongly oppose doing these fact
14 sheets. I don't think they make sense in the context of a
15 consumer product. And everybody's saying "J&J," but J&J is a
16 holding company. J&J, the company, doesn't do these
17 communications.

18 So I'm not sure where the plaintiffs want us to go to
19 get this information. I submit that it would be very
20 challenging, if not impossible.

21 But my key point right now, because I assume we'll
22 meet and confer, and then argue about whether down the road
23 there would be a defense fact sheet. The idea that the
24 defendant should have to do all this discovery on a pool of a
25 thousand people in 90 days is overwhelming. That's just

1 impossible, and it's not necessary.

2 THE COURT: Okay, all right. If somebody -- if no
3 one else has anything specific to say, let me react to the
4 first step, okay?

5 I think, and as I've indicated, that I'll agree to a
6 certain number of plaintiffs that will be randomly selected,
7 and we can talk about how that random selection occurs in a
8 moment. From which then a much smaller number will be worked
9 up for discovery.

10 I agree that a first step for whatever that number is
11 -- let's talk about the number in a moment -- I'm not going to
12 require defendant fact sheets for that. It's going to be
13 simply the basic plaintiff fact sheet.

14 What we're talking about here is creating a pool of
15 people that are being randomly selected that you can, as you
16 say, help determine what kind of cancer and usage, those are
17 all plaintiff-specific. That's what I'm interested in at this
18 point.

19 We're not getting to the other things when we talk
20 about biases, and who advertised in what way, and what the
21 discussions were. That does not need to be done at that bigger
22 set of plaintiffs.

23 And the burden is on the plaintiffs during this time
24 period to get them together. So you want a bigger subset, and
25 you want to spend that time over the next 90 days doing them,

1 you've got a thousand to pick from. Go for it, okay?

2 MS. PARFITT: Thank you, Your Honor.

3 THE COURT: All right.

4 From that -- and how are we -- do we want to randomly
5 select them? I'm not even sure -- I know when you said, Ms.
6 Sharko, that in Judge Kugler's, they just used the Clerk's
7 Office, first of all, our Clerks' Office is burdened, and we
8 are not in the courthouse these days. I'm not going to -- and
9 I want to get going on this now, so I'm not going to burden my
10 Clerk's Office to do that.

11 If you can come up with some method for how to do
12 this random selection, good. And let's -- and I don't want to
13 make this a whole issue unto itself, so I'd like to get that
14 resolved quickly. Look, there have been delays in getting all
15 of our expert discovery done, it took a long time for the
16 *Daubert* motions, and all the hearings, the briefing, and my
17 opinion, and now we're ready to move, and I don't want anymore
18 delays built in.

19 So are you telling -- I don't know, somebody could
20 write a computer program --

21 MS. O'DELL: Your Honor, we can take a list of --

22 MS. PARFITT: So I can --

23 MS. O'DELL: And we can take a list of cases, Your
24 Honor, and either -- there are numbers of methods for
25 randomizing. We can take a list and randomize them through

1 Excel. I had proposed using MDL Centrality simply because we
2 need a platform for people to upload their information from
3 these fact sheets, and so it all could be done in the same
4 location.

5 But I don't think that we have a real dispute. We
6 can get these randomized in a way that is appropriate, and
7 there are a number of methods, and we can talk to --

8 THE COURT: Okay.

9 MS. O'DELL: -- the defendants about that.

10 MS. SHARKO: In one litigation I was involved in, I
11 believe they just -- they had a list of the cases, I guess it
12 was in order of filing, that all of us should be able to
13 access, and then they used a random number generator on a
14 computer. So if the random number came up as 53, Case Number
15 53 on that list went into the pool, then they did it again.

16 THE COURT: That's what I said, I'm sure some
17 computer geniuses out there can randomize numbers and do it.
18 So however you like, figure it out, let's get them. We have to
19 come up with what this fact sheet looks like, you'll have to
20 determine what these preliminary inquiries are that are useful
21 to anyone, okay? And get that done in the 90 days. So --

22 MS. O'DELL: If --

23 THE COURT: Yeah?

24 MS. O'DELL: Your Honor, if we can just say 90 days
25 from the date the order goes out, it's what we've proposed.

1 And the reason I say that is because it's going to take us a
2 couple of days, I'm sure, to agree on the form, get with the
3 Clerk's Office to get a list, which we're not -- we don't have
4 access to that. And we are going to get this out to the
5 plaintiffs' bar as soon as possible. So we're going to hit the
6 ground running, but what we're proposing is 90 days from the
7 date the order is entered.

8 THE COURT: Okay.

9 MS. O'DELL: Thank you.

10 THE COURT: Get an order drafted and get it to me.
11 The sooner you do it, the better.

12 MS. O'DELL: Yes, we'll do that, Your Honor.

13 THE COURT: Now I still am not crystal clear on the
14 second stage when we pick this much smaller number from this,
15 and that you said it's going to be everyone kind of weighing
16 in, reviewing these thousand forms, which is a lot of work, and
17 coming up with cases that you think are representative of what
18 you think should go forward on discovery. Right, that was the
19 second stage?

20 MS. O'DELL: That's right, Your Honor.

21 MS. PARFITT: That's right.

22 THE COURT: Okay. And what are we talking about, 40
23 cases for work-up?

24 MS. PARFITT: Forty, 50. I think, again, we are
25 flexible, Your Honor, with that.

1 THE COURT: Okay.

2 MS. PARFITT: I think that's probably a good --

3 THE COURT: Ms. Sharko?

4 MS. SHARKO: Oh, I think it should be much smaller,
5 we need to move ahead quickly. I would say ten to 20.

6 MS. PARFITT: I think that's too small, Your Honor.

7 THE COURT: Well, I think -- let me just say this:
8 I'm of the view that 40 makes sense for discovery work-up
9 because from there, I think it will be a much smaller number
10 than ultimately becomes an appropriate trial group. There may
11 be things that happen in those cases that make them, once you
12 go through discovery, not appropriate to go forward. And if we
13 have to start eliminating, I don't want to have to go back to
14 this random selection.

15 So let's say we start with 40, but the idea it's
16 obviously not what we're trying, it's going to be much smaller
17 in number, okay?

18 MS. SHARKO: Could we have a provision in there that
19 the plaintiffs, if they're going to dismiss a case from this
20 pool of 40, they have one week from selection to do it?
21 Because we shouldn't -- we can't end up the way it happens so
22 often in MDLs where the plaintiffs start dismissing cases as
23 they go down the road of depositions, or work-up, or even when
24 the work-up is done.

25 THE COURT: Well, let me be clear. If right off the

1 bat, yes, they may look at a case and say. But if they have to
2 discuss this with another attorney, one week is probably not
3 enough. Let's talk about a two-week period that they can get a
4 quick reaction.

5 It doesn't mean that somewhere down the line
6 something else might not be dismissed as they go through the
7 discovery process. They're not barred from dismissing
8 something later on; I'm sure you'd never object to them
9 dismissing later on. But I think at the outset, because I know
10 they need to consult with someone, if it's that obvious, yes,
11 let's do a two-week period, okay?

12 Okay. Then we have to talk about how long we will
13 require for the discovery of those cases.

14 MS. O'DELL: Your Honor, could we have opportunity to
15 meet and confer with defendants on the length of period for
16 discovery to see if we can come to agreement of which
17 depositions will be appropriate, can maybe be narrowed in a
18 certain way? Because we're going to have certainly the
19 plaintiff and treating physicians, then you'll need a period of
20 time for that information to be received from case specific
21 experts, expert discovery, and then I'm assuming defense
22 experts, and defense expert discovery. So --

23 THE COURT: I'm going to have to say, I've just
24 changed my view on this. I think I want to -- instead of 40
25 cases, I want to limit it to 30 cases. Obviously if you

1 eliminate any right off the bat, and we want to add a few more,
2 then we add -- allow a few more. But let's start with 30.

3 MS. PARFITT: All right.

4 THE COURT: All right? I'll let you work on the --
5 we're far off from getting there because we still have the 90-
6 day period. So you can still discuss what kind of time periods
7 for discovery, all right, on the individual cases? But let's
8 select 30, okay.

9 The other discovery that was brought up in the status
10 memo was with regard to discovery from the defendants, and what
11 that will look like. And the position of the defendant is that
12 they don't believe that you're going to require extensive
13 discovery from them given that so much discovery has been done
14 of them already in other cases and cases have gone to trial.
15 So I think you have to define exactly what it is that you want
16 to -- and we don't -- we've had this position from the
17 beginning, we don't want to duplicate discovery that's already
18 been had, right?

19 MS. SHARKO: Right. And so, Your Honor --

20 MR. TISI: Yes, Your Honor.

21 MS. SHARKO: -- if I could put this in context --

22 MR. TISI: Your Honor --

23 MS. SHARKO: -- because we looked it up, across the
24 litigation, there have been --

25 THE COURT: I'm sorry, who else was speaking besides

1 Ms. Sharko? Somebody else was trying to talk.

2 MR. TISI: It was Chris Tisi. I'll defer to Susan
3 right now since she was talking.

4 MS. SHARKO: Thank you.

5 THE COURT: Go ahead.

6 MS. SHARKO: *So we've produced two million pages of
7 documents. If you put them end-to-end, it would cover the New
8 Jersey Turnpike three times. There are more than 20,000 pages
9 of deposition testimony, which are from 90 days of depositions
10 of current and former employees. And all together, if you look
11 at all talc cases, there's been over 500 days of trial
12 involving most of the lawyers on this call.

13 So to the extent any discovery is needed of us, it
14 should be very minimal. And we would ask that the plaintiffs
15 give us a specific and discreet list. And if we can't agree on
16 it, we can go to Judge Pisano. But this case has been
17 discovered ad infinitum.

18 MR. TISI: Judge, this is Chris Tisi. First of all,
19 good morning.

20 THE COURT: Good morning.

21 MR. TISI: I wanted to respond to that. First of
22 all, I think it's unfair to count the number of pages. The
23 truth of the matter is, to the best of my knowledge, there were
24 probably less than five depositions taken in their individual
25 capacity of J&J employees, and many of those cases were very

1 old, five to ten years -- five to ten years ago when the case
2 was significantly less developed. And for example, I
3 understand that there was a witness taken in 2009 based upon a
4 document production of about 50,000 documents.

5 The truth of the matter is, we are in a completely
6 different posture here in the MDL. We were bifurcated, at
7 J&J's request, to deal only with science issues. And the Court
8 understood when we were talking about those issues that there may
9 come a time to do discovery for trial purposes.

10 We have elements of the case that we have to pursue.
11 For example, let me give you some examples of the things that
12 have not been worked up in this MDL, and certainly not, to a
13 large extent, in State Court trials:

14 We were not permitted to do, first of all, any
15 individual corporate depositions; they were all done by
16 30(b)(6);

17 We were not permitted to explore what J&J knew, and
18 when they knew it;

19 We were not permitted to do a -- put together a
20 timeline of what J&J knew over the past 50 years;

21 We were not -- we did not pursue depositions on why
22 warnings were not given.

23 THE COURT: I'm going to interrupt you, Mr. Tisi.
24 I'm going to interrupt you. I don't want to hear chapter and
25 verse today of what you think you haven't been able to do that

1 you want to do.

2 MR. TISI: Correct.

3 THE COURT: I'm not going to rule on this today. You
4 think that there's discovery that you require, please send to
5 the defendant the areas that you think that you require that
6 you do not yet have discovery on, what kinds of witnesses you
7 think you need to depose that you have not deposed, and let's
8 get specific with them, and they'll react to it.

9 MR. TISI: Okay.

10 THE COURT: And if you can't resolve it, those become
11 things we'll resolve. Today's not the day to go into this.

12 MR. TISI: Okay.

13 THE COURT: You'll just say that what they gave you
14 did not include this, let them have time to respond. So come
15 up with your list to them, make your request. And, frankly,
16 over this 90-day period, I think that's something that could be
17 done because you've got a lot of people on the plaintiffs'
18 side, and I know the whole idea is when I set up this committee
19 for you when I was concerned about how many were involved on a
20 steering committee, everybody was going to have a different
21 thing to do. So someone will be starting to take care of this
22 and get these requests out so that this can be worked on.

23 I want to move forward now. We're all getting older,
24 so I want to get this going.

25 MR. TISI: Well, Judge, let me --

1 THE COURT: Okay? So send those out --

2 MR. TISI: And we've started --

3 THE COURT: That should be done -- is someone still
4 talking?

5 (No audible response heard)

6 THE COURT: That should be done during the same 90-
7 day period. What those areas are that you think you do not
8 have discovery on so that we do not delay, okay?

9 MR. TISI: Okay. May I ask a question, Your Honor,
10 just a point of clarification?

11 THE COURT: All right.

12 MR. TISI: We're trying to develop a list of people
13 who we would like to depose in their individual capacity. As
14 you indicated, we're all getting a little bit older. This
15 product has been on the market for a long time. Can we send
16 them a list of people -- some people, we don't know whether or
17 not they're even around, alive, or have passed. I -- before we
18 kind of put together a proposal for witnesses we want to take,
19 it would be useful to know whether or not the people -- these
20 people are still alive, and that's a concern with a product
21 that's been on the market for a long time.

22 THE COURT: You can (indiscernible) get that
23 information, okay?

24 MR. TISI: Okay.

25 THE COURT: That's fine.

1 MR. TISI: Thank you. Thank you.

2 THE COURT: So what's the next thing? Okay, let's
3 turn to -- I think those were the main things we wanted to
4 address today. And let me just briefly talk about some of the
5 other issues with regard to cases, and duplication, and all of
6 these things that still apparently need to be cleaned up,
7 right?

8 MS. O'DELL: That's correct.

9 THE COURT: Okay. Who's working on that?

10 MS. PARFITT: Your Honor, we have conferred. We have
11 lists from the defendants of the duplicate filings, etc., and
12 we are reconciling them. Lists were just provided this week,
13 and the parties are working together to --

14 THE COURT: Hello?

15 MS. PARFITT: Yes.

16 MS. O'DELL: Judge, can you hear --

17 THE COURT: Ms. Parfitt, you're coming in and out.

18 MS. PARFITT: Your Honor, can you hear me now?

19 THE COURT: What's that?

20 MS. PARFITT: Can you hear me?

21 THE COURT: That's better, yes.

22 MS. PARFITT: Okay. What I was saying is we have
23 conferred with the defendants. We have been provided a list or
24 lists of cases where there are duplication, and the parties are
25 going to work together so that we can reconcile those numbers

1 and get some finality to this. I know it's been on the status
2 reports for some time, and we will work with haste to get that
3 done, as well.

4 THE COURT: Yes.

5 MS. PARFITT: Your Honor, I think I lost you -- yes,
6 there you are.

7 THE COURT: No, I hear you. That's fine.

8 MS. PARFITT: Thank you. Thank you.

9 THE COURT: And then I think before duplicate, I
10 guess there was another issue that was raised on Page 5, I
11 think, of the status memo with regard to individuals, about 135
12 plaintiffs who have not filed short form complaints. And I
13 guess defense is asking that we direct them to do so by June
14 30th or forever be quiet, right, Ms. Sharko?

15 MS. SHARKO: That is correct.

16 MS. PARFITT: And, again, Your Honor, that is another
17 area where we are conferring, or we'll continue to confer with
18 defendant to make sure that we have an accurate list of those
19 people, and that that action is taken.

20 So, again, I don't think that this should be a
21 problem, it just will take a little time for us. The parties
22 aren't in disagreement about what needs to be done, we just
23 need to make sure we have the appropriate list, we've
24 reconciled the names, and we're conferring with the right
25 clients and law firms.

1 THE COURT: Okay. So then we can go with that June
2 30th suggested date to get this accomplished?

3 MS. PARFITT: Your Honor, we will certainly do our
4 best to do that. If we need additional time, we would ask the
5 Court to approach the Court about that. But certainly let's
6 use that as a time period that we can --

7 THE COURT: Okay. Okay, that's fine.

8 The steering committee's request on Page 6 on a case
9 management order.

10 MS. PARFITT: Yes, Your Honor.

11 THE COURT: -- on a order.

12 MS. PARFITT: Yes.

13 THE COURT: You're going to be filing a motion?

14 MS. PARFITT: Correct.

15 THE COURT: Okay, then we don't need to discuss that
16 today.

17 MS. PARFITT: And, Your Honor, we anticipate being
18 able to get that to the Court hopefully by next week --

19 THE COURT: Okay.

20 MS. PARFITT: -- for Your Honor, yes.

21 THE COURT: With regard to PCPC, you're going to
22 refile your motion, is that correct?

23 (No audible response heard)

24 THE COURT: Hello? Where's PCPC?

25 MR. LOCKE: Your Honor, this is Tom Locke.

1 Do we need to refile the motion? We felt like it's
2 out there, it's ready for plaintiffs to respond. If you want
3 us to refile it, we can do that, but the hope is to get a quick
4 response from plaintiffs.

5 THE COURT: No, I mean, look, if you're staying with
6 the briefing as it is, remember all of this was basically put
7 on hold. I think what you should just do is send a letter
8 saying that you now ask that your motion be re-listed, and the
9 briefing will begin from the other side, okay?

10 MR. LOCKE: Thank you, Your Honor.

11 THE COURT: That's fine. So please do that, and that
12 will be the trigger then for the plaintiffs to respond, and you
13 can confer on how much time is required, and send me an order.

14 Looking at the list that you've attached on pending
15 motions, I can tell you that a number of these things you
16 talked about that were supposed to be terminated pursuant to
17 Case Management Order 8, that's been done.

18 With regard to some of these where they were the
19 remand, it involved the Royston and PTI union, that's now an
20 opinion that's heavily in progress now that *Daubert* is done.
21 You can expect to have an opinion on that later this month,
22 that will be out, okay? And that involves a number of these
23 motions that are listed here on the remand.

24 Obviously all of the Imerys motions are terminated,
25 stayed.

1 And then the last one on the list, I think that we
2 dealt with, Bowie, right, Wayne? We did that?

3 MR. FANT: Yes, we did it yesterday.

4 THE COURT: Okay, I'm -- yes, we're done --

5 UNIDENTIFIED ATTORNEY: We have.

6 THE COURT: -- dealing with that, okay.

7 So I think for the bulk of these, you should expect
8 an opinion this month. And then there's some that come under
9 the Rule 41 motions, and some of them involve different issues,
10 and hopefully soon thereafter in June. We're going to clean up
11 all these motions as best as we can so that you have a good
12 picture of where we are, so things are coming.

13 What other issues, if any, do you have with me today?

14 UNIDENTIFIED ATTORNEY: Nothing, Your Honor.

15 THE COURT: Nothing, okay.

16 All right, let me just make also just one last
17 comment now that you have the *Daubert* opinion, which took a bit
18 of time. You know that there are limitations in that as to
19 what's going to be presented (indiscernible).

20 You realize also that a number of the experts
21 obviously I decided went to the weight as opposed to exclusion.
22 I think you probably also got a flavor from some of the things
23 that I said as to perhaps how I would see it, but I am not the
24 finder of fact on some of what -- of those expert. None of
25 them are perfect, let me put it that way, and I would say that

1 on both sides. And some less perfect than others, but that
2 will be for another day.

3 So I want to be clear, and I guess the reason I want
4 to say that is -- I will say this: I was a little taken aback
5 as the headline in the Law Journal that picked up on a quote
6 about obliterated. It's not a fair reading of my opinion, and
7 I think that created some press that was not fair.

8 So, please, everyone, when you talk, be realistic.
9 You can get excited, but this is not a case that should play in
10 the press. So I just want to make that comment, that word was
11 -- I've had a couple of people reach out who said, "I actually
12 read your 141 pages, and that's not what happened." So just
13 please be a little careful in your language to the press.
14 We're going to try this case based on the facts, based on the
15 evidence, based on what's there, and I just wanted to, you know
16 -- I wasn't sure if I was going to mention that today, but I
17 thought it appropriate, and to keep that in mind as you make
18 statements, and being responsible as lawyers about that, okay?

19 Anything else?

20 MS. O'DELL: No, Your Honor.

21 MS. PARFITT: No, I don't believe so. We certainly
22 appreciate your taking the time to speak with us today.

23 THE COURT: Yes. And Judge Pisano's in the loop, and
24 he has read the entire 141-page opinion, too. And I told him
25 get ready. He saw the status memo, and he says he's ready. He

1 happens to be down in, I know, in Beaufort, and sheltered in.
2 But it doesn't matter whether he's in New Jersey or not,
3 everything's by video or phone anyway, so you can contact him.
4 His associate, as you know, is on the phone. And he's ready to
5 go, and you know he responds quickly.

6 We are really not going into court at this point, and
7 we're coming up with trying to come up with plans of how we're
8 phasing getting back. But what you have to do with me at this
9 point doesn't require being in court, so we can get a call any
10 time that you need, and since there are less proceedings going
11 on, I could pretty much be available in that sense.

12 But rest assured, the one thing this has done is that
13 we're all hunkered in and working hard on getting out what we
14 want to get out, and catching up.

15 So I appreciate everybody getting on today, and next
16 time if we do this, you don't have to be so dressed up, and --
17 unless you have your sweat pants on or jeans on the bottom as I
18 do, but --

19 (Laughter)

20 THE COURT: We laugh about this but, you know, my
21 husband does land use, and he's been doing now -- they started
22 these meetings at night with the towns, and I'll walk in and
23 see him on his Zoom with his white shirt and tie, and his sweat
24 pants on. But, you know, that's the world today, right? Okay.
25 So it's fine, we don't have to be that formal when we're on the

1 next time, too. You're all professionals, I get it.

2 So let me know if you need anything. You'll start to
3 get yourselves together. We will move ahead. We'll have more
4 conferences. You know, the problem will be for the Court at
5 some point in time, which is that we will have a lot of catch-
6 up to do for cases on jury trials, and I don't even know when
7 we're going to get jurors back in the courthouse, it's a big
8 topic of discussion. And for those of you that are in other
9 parts of the country, you know New Jersey's been hit badly, and
10 what to do with that backlog of criminal cases that should have
11 gone to trial that have speedy trial concerns have been hit.
12 So we're going to try and do the best we can to catch up on
13 those, and just to let you know in the mix, I mean that is a
14 problem that we have for jury trials.

15 So it will be a phasing in our Court. I mean those
16 are some of the calls that I'll be getting, and as we
17 discussed, and we don't have the best guidance yet obviously in
18 New Jersey, we're still under very, very close restrictions
19 here from the State. So I don't know how else to do -- what
20 else to tell you about that as to where we may be and when
21 we'll be, but hopefully we'll be catching up sometime come the
22 fall. But, you know, I'm sure for those of you in New York,
23 you'll appreciate it; I don't know what New York is doing yet.
24 But we're all trying to figure out an get guidance of what a
25 jury might look like, how we can bring them in, how they could

1 be seated in the jury box, you know, if you still have social
2 distancing in place and things of that nature.

3 So it's tough questions that we've got to answer.
4 And even bringing, you know, a group of you into the courtroom
5 when we, you know, how -- what social distancing we're still
6 going to have in place for the lawyers. You know, I have a
7 patent trial that's coming in, and they usually fill the
8 courtroom. But -- so even though I don't have a jury, what do
9 I do with that?

10 We're going to figure those out. We're going to get
11 better in about a month of figuring, I think, where we are,
12 though it may not be perfect as to what we'll know, so that's
13 next.

14 And all of you, I guess when you get 90 days out, and
15 start with depositions, we'll figure out how you're going to do
16 that, as well. We'll have those discussions.

17 So Judge Pisano's available, I'm around. But if
18 there are discovery issues, some of those nitty gritty ones, you
19 know, randomization if you've got them, you can get him on, and
20 he'll tell you what he thinks, okay?

21 Okay. Everybody stay well. Take care.

22 MS. PARFITT: You, as well, Your Honor; thank you so
23 much.

24 MULTIPLE SPEAKERS: Thank you.

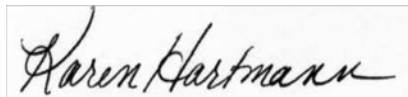
25 THE COURT: All right, take care. Bye-bye.

1 UNIDENTIFIED ATTORNEY: Thanks, Judge.

2 (Whereupon, the hearing was adjourned.)

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